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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/287,521	04/07/1999	LINDA K. COOK	FUJI-XERX101	6402

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EXAMINER

STEVENSON, PHILIP H

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 04/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/287,521

Applicant(s)

COOK ET AL.

Examiner

Philip H. Stevenson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-15 is/are rejected.
- 7) ☐ Claim(s) 6 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

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DETAILED ACTION

1. Claims 1-15 are pending in the application with claims 16-20 withdrawn as a consequence of a restriction requirement. See below.
2. The Information Disclosure Statement filed September 7, 1999 was considered in preparing this Office Action.

Election/Restrictions

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-15, drawn to method of specifying animation parameters for controlling an animation, classified in class 345, subclass 473.
 - II. Claim 16-20, drawn to means of processing a data structure encoding behavior parameters of animated items, classified in class 345, subclass 475.

The inventions are distinct, each from the other because of the following reasons:

- a. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as specifying attributes of animated characters independent of run-time processing method. See MPEP § 806.05(d).
4. During a telephone conversation with John Hollander on December 26, 2001 a provisional election was made without traverse to prosecute the invention of group I, claims 1-15. Affirmation of this election must be made by applicant in replying to this Office action. Claims 16-20 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Inventorship

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5, 7, 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Dryer, D.C.

Ghosts in the Machine:Personalities for Socially Adroit Software Agents. Proc. Socially

Intelligent Agents Workshop, Cambridge MA, November 8-10, 1997, 31 pages.(DRYER).

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- a. DRYER (page 33, left col., lines 19-36) discloses the specification of animated characters based on personality traits. DRYER specifically discloses multiple traits may comprise a personality, i.e. grouping traits.
- b. Claim 1 claims a device for specifying a personality trait in order to specify a personality profile. A personality profile is interpreted merely to mean a set of stored selected personality traits.
- c. Claim 1 is obvious in light of DRYER and that it is well-known in the art to provide an interface, e.g. a radio button, for selecting an attribute input to a computing system program because such an interface makes data input easier. Furthermore, it would have been obvious to one of skill in the art to group specified traits because storing a set of traits would allow the reuse of the personality profile.
- d. Claim 2 rejected per claim 1 and that DRYER((page 33, left col., lines 19-36)) discloses that personality traits are represented as variables whose values vary between poles. It would have been obvious to display trait values in an attribute indicator as it is well known to display a variable's values in a graphic user interface because the interface improves communication with the user.
- e. Claim 3 rejected per claim 2 and that graduated dials, such as spin dials, are well-known in the interface art and would have been obvious to one of skill in the art to combine with DRYER because it provides an intuitive mechanism for data input.
- f. Claim 4 rejected per claim 1 and that DRYER discloses that personality attributes (e.g. "positive personalities") are implementable in terms of personality traits.

c. BLUMBERG discloses the implementation of an autonomous agent with primary and hence secondary behaviors (BLUMBERG, fig. 8). BLUMBERG discloses an autonomous character sensing the environment (BLUMBERG, page 50, Section 5.).

BLUMBERG in Fig. 5, and explanatory text discloses a decision process using external stimuli and internal state, i.e. releasing mechanisms, which permit decision paths to be followed to provide for final behavior determination, hence rendering.

d. Claim 11 rejected as it would have been obvious to one of skill in the art to combine BLUMBERG with DRYER because BLUMBERG provides an artificial personality which responds in selected manner to external stimuli and improves user enjoyment of the predictable personality.

e. Claim 12 rejected as it would have been obvious to one of skill in the art to combine BLUMBERG with DRYER because BLUMBERG provides for more realistic implementation of autonomous character behaviors, an implemented behavior must be either persistent or episodic, since these definitions are complementary.

f. BLUMBERG discloses that the construal process, i.e. the state of the process of determining which behaviors to exhibit, is continually modified with state changes as it determines which choice of behaviors to exhibit or inhibit in its hierarchy.

(BLUMBERG, fig. 6)

g. Claim 14 rejected as it would have been obvious to one of skill in the art to combine BLUMBERG with DRYER because BLUMBERG provides a decision model for releasing behavior modified by changes in the state of the behavior system and improves naturalness of autonomous character behaviors.

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- h. Claim 15 rejected per claim 14 and that BLUMBERG discloses an autonomous character sensing the environment (BLUMBERG, page 50, Section 5.).
- 10. Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over DRYER as applied to claim 9 above, and further in view of ROUSEAU (ROUSEAU, D. et al. Improvisational Synthetic Actors with Flexible Personalities. Knowledge Systems Laboratory Technical Report No. KSL-97-10. December 1997.).

- a. ROUSEAU discloses an animated character whose personality modifies its behavior. (ROUSEAU page 3, lines 1-6.)
- b. It would have been obvious to one of skill in the art to combine DRYER with ROUSEAU because ROUSEAU provides improved realism of an animated character.

Claim Objections

- 11. Claims 6 and 8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowable Subject Matter

- 12. Claim 6 and 8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.
- 13. The following is a statement of reasons for the indication of allowable subject matter:

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g. Claim 5 rejected per claim 4 and that DRYER discloses the primary trait of dominance is useful in a specified personality profile.(DRYER, page 33, right col., lines1-6.)

h. Claim 7 rejected per claim 1 and that DRYER indicates traits vary between “poles”, i.e. have a weight toward one pole or the other pole of an attributes, and hence discloses weighted values in specifying a personality.

i. Claim 9 rejected as DRYER discloses a personality with personality traits (page 33, left col., lines 19-36) and it would have been obvious to one of skill in the art to create a profile in order to combine multiple diverse traits because it improves user friendliness.

9. Claims 10, 11, 12, 14, 15 rejected under 35 U.S.C. 103(a) as being unpatentable over DRYER as applied to claim 9 above, and further in view of BLUMBERG (Blumberg, B. et al. Multi-Level Direction of Autonomous Creatures for Real-Time Virtual Environments. Proc. 22nd Annual International Conference on Computer Graphics and Interactive Techniques. Pages 47-54. 1995.)

a. BLUMBERG discloses the selection of trait indicative behaviors during the execution of the construal process, (BLUMBERG, Fig. 6.) BLUMBERG discloses using intermediate behaviors (trait indicative behaviors) which determine the final exhibited behaviors, i.e. implement behaviors consistent with the trait indicative behaviors.

b. Claim 10 rejected as it would have been obvious to one of skill in the art to combine BLUMBERG with DRYER because BLUMBERG allows for responsive artificial personalities which permits consistent behaviors for personality states.

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a search of the prior art did not reveal a method of specifying a personality of an animated character in which the physical characteristics of the animated character are determined by the personality profile.

14. The following is a statement of reasons for the indication of allowable subject matter:

a search of the prior art did not reveal a method of specifying the personality of an animated character via specifying a character's behavior and using the specified behavior to determine a values of character's personality traits that accord with the specified behavior.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip H. Stevenson whose telephone number is (703) 306-5421. He can normally be reached Monday-Thursday from 8:30am-7:00pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached on (703) 305-9798.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

3/25/09


ULKA J. CHAUHAN
PRIMARY EXAMINER